Remarks

Claims 1-3 and 5-14 are pending in this application. Claims 1-3 and 5-6 stand rejected. Claims 7-10 are allowed. Claims 11-14 are withdrawn from consideration.

The rejection of Claims 1-3 and 5-6 under 35 U.S.C. § 102(b) as being anticipated by Alvord (US 5,803,985) is respectfully traversed.

Alvord describes a control system for a dishwasher that utilizing a turbidity sensor to achieve an optimum fill cycle water level in a chamber into which soiled dishes are loaded. An electronically actuable fill valve is controlled by a microprocessor in response to signals received from the sensor indicative of the turbidity of water in the chamber during the fill cycle. Once turbidity of the water in the chamber stabilizes or drops to a predefined level, the fill water is determined to have reached an optimum level and the flow of supply water is shut off. Alvord does not describe nor suggest a control mechanism configured to terminate a wash cycle if the control mechanism determines a sufficient amount of water has not flowed into the chamber during the fill operation based on a signal from the sensor.

Claim 1 of the present application recites a "dishwasher comprising: a tub; . . . a sensor in flow communication with said tub; . . . and a control mechanism coupled to said sensor and to said fluid circulation assembly, said control mechanism configured to determine whether a sufficient amount of water flows into said tub during a fill operation based on a signal output by said sensor and to terminate a wash cycle if said control mechanism determines that a sufficient amount of water has not flowed into said tub during said fill operation based on said signal output by said sensor".

Alvord does not describe nor suggest a dishwasher as recited in Claim 1. Particularly, Alvord does not describe nor suggest a control mechanism configured to determine whether a sufficient amount of water flows into the tub during a fill operation based on a signal output by the sensor and to terminate the wash cycle if the control mechanism determines that a sufficient amount of water has not flowed into the tub during the fill operation based on the signal output by the sensor. Rather, Alvord describes shutting off the water supply once the tubidity of the water stabilizes or drops to a predefined level. Also, Alvord describes that if the tubidity never reaches the predetermined minimum amount or the defined level of stability, the controller fills the wash chamber to a predetermined maximum level (Col. 4 lines 8-12). This action does not terminate the wash cycle as suggested by the Office Action at page 4. Alvord does not describe nor suggest terminating the wash cycle if there is insufficient water in the wash chamber but rather describes using a timing method to provide the initial fill of water in the chamber. Alvord does not describe nor suggest determining if there actually is any water in the wash chamber. The claimed dishwasher of the present application automatically shuts down if there is insufficient water in the tub to prevent degradation or damage to the components of the dishwasher. Alvord does not describe nor suggest such an action.

Further, the Office Action admits at page 5 that "Alvord fails to disclose that if an insufficient amount of water has flowed into the tub during the fill operation, terminating a current wash cycle". Applicants submit that because Alvord fails to disclose terminating a current wash cycle if an insufficient amount of water has flowed into the tub, Alvord does not describe nor suggest a control mechanism that is configured to determine whether a sufficient amount of water flows into the tub during a fill operation based on a signal output by the sensor

and to terminate the wash cycle if the control mechanism determines that a sufficient amount of water has not flowed into the tub during the fill operation based on the signal output by the sensor. The Office Action suggests at page 5 that because Alvord discloses a control mechanism coupled to a sensor and capable of giving a signal to the fill valve to close, Alvord discloses the claimed controller. The Office Action also suggests that "for the apparatus claims to be patentable, the structure of the claimed apparatus should be different from the cited art".

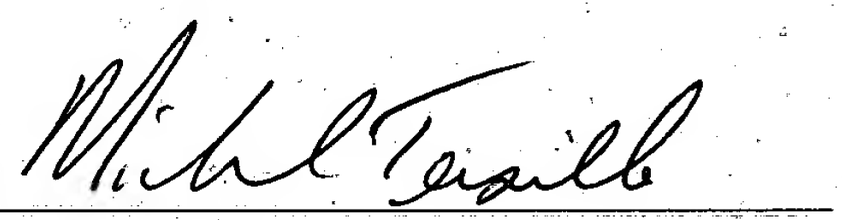
Applicants respectfully submit that the claimed control mechanism is structurally different from the control mechanism of Alvord. Particularly, the control logic configuration of the control mechanism is different from the configuration of the claimed control mechanism. Specifically, the control mechanism of Alvord is not configured to determine whether a sufficient amount of water flows into the tub during a fill operation based on a signal output by the sensor and to terminate the wash cycle if the control mechanism determines that a sufficient amount of water has not flowed into the tub during the fill operation based on the signal output by the sensor. The Office Action has admitted that Alvord does not disclose that if an insufficient amount of water has flowed into the tub during the fill operation, terminating a current wash cycle. Applicants respectfully submit that because the control mechanism is not configured the same as the claimed control mechanism, the claimed mechanism is structurally different from the control mechanism of Alvord. Accordingly, Applicants submit that independent Claim 1 is patentable over Alvord.

Claims 2-3 and 5-6 depend from independent Claim 1. When the recitations of dependent Claims 2-3 and 5-6 are considered in combination with the recitations of Claim 1, Applicants respectfully submit that Claims 2-3 and 5-6 likewise are patentable over Alvord.

For the reasons set forth above, Applicants respectfully request that the Section 102(b) rejection of Claims 1-3 and 5-6 be withdrawn.

In view of the foregoing amendments and remarks, all the claims now active in this application are believed to be in condition for allowance. Favorable action is respectfully solicited.

Respectfully submitted,



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